



MINISTRY OF LABOUR

I. LIST OF PORTS

II. TIMBER AND PITWOOD

*Report of the Inquiry held under paragraphs 1(4) and 5 of the
Schedule to the Dock Workers (Regulation of Employment)
Act, 1946*



LONDON

HER MAJESTY'S STATIONERY OFFICE
1960

PRICE 1s. 6d. NET

Report of an Inquiry into (1) the list of ports to be covered by the Dock Workers (Regulation of Employment) Scheme, 1947 and (2) the application of the Scheme to work which involves the handling of pitwood or timber

To THE RIGHT HON. EDWARD HEATH, M.P.,
Minister of Labour.

Sir,

In pursuance of my appointment in the terms of the Minute set out below, I have the honour to submit my Report on the matters referred to therein.

THE MINISTER OF LABOUR in pursuance of his powers under paragraphs 1(4) and 5 of the Schedule to the Dock Workers (Regulation of Employment) Act, 1946, and of all other powers in that behalf HEREBY APPOINTS Hugh Lloyd-Williams, Esquire, C.B.E., D.S.O., M.C., of 4 Paper Buildings, Temple, E.C.4, as being an impartial person to make such inquiries as he, the said Hugh Lloyd-Williams, considers necessary (including so far as he considers necessary the hearing of oral evidence) into the following matters and to report thereon to the Minister, that is to say—

- (1) the question whether the list of ports to which the Dock Workers (Regulation of Employment) Scheme, 1947, relates ought to be varied;
- (2) as respects any port recommended by the said Hugh Lloyd-Williams to be added to the list, the question as to which classes or descriptions of dock workers the Scheme should apply; and
- (3) the application of the Scheme to work which involves the handling of pitwood or timber.

THE MINISTER further appoints C. A. Larsen, Esquire, of the Ministry of Labour to be Secretary of the Inquiry.

Signed by order of the Minister of Labour this twenty-first day of December, 1959.

J. G. STEWART
Under Secretary
Ministry of Labour

2. The Inquiry was held in public session at Church House, Westminster, London, S.W.1, on the 23rd, 24th, 25th and 26th February and on the 2nd, 3rd, 10th and 11th March, 1960, and in private session on 4th and 16th March, 1960, to take evidence from the National Dock Labour Board.

I. LIST OF PORTS

3. This part of the Report is devoted to sections (1) and (2) of the terms of reference. A list of those who made submissions or gave evidence either orally or in writing is reproduced as an Appendix to the Report.

4. The main representations were made by the Transport and General Workers Union who claimed that the following thirteen ports not at present covered by the Scheme ought to be included within its scope :—

Amble
Dover
Felixstowe
Folkestone
Keadby
Littlehampton
Mostyn
Newhaven
Norwich
Portsmouth
Ramsgate
Shoreham
Watchet

In the course of the Inquiry the Union withdrew their claim in regard to Folkestone and to Keadby, leaving eleven ports from the list above. Neither the Watermen, Lightermen, Tugmen and Bargemen's Union nor the National Amalgamated Stevedores and Dockers have members in these eleven ports but they supported the representations of the larger union in general terms. The special positions of the National Union of Railwaymen and the National Union of General and Municipal Workers who both have members among dock workers in the thirteen ports in question are explained below. The claim of the Transport and General Workers Union was opposed by the port employers and most of the port authorities in the ports concerned, though a few of the latter expressed no opinion for or against. The claim was also opposed by the National Association of Port Employers in general terms. At my request the National Dock Labour Board supplied certain factual information about the operation of the Scheme, which was relevant to the purpose of the Inquiry. Information was also obtained from a number of Employment Exchanges of the Ministry of Labour. Finally I am indebted to the Reports of those who have inquired into the operation of the Dock Labour Scheme before me.

5. That dock work as defined in the Dock Workers (Regulation of Employment) Act, 1946, is carried out in each of the eleven ports was not disputed. This, however, would not necessarily justify their inclusion in the Scheme. The Act also says that "Provision may be made by scheme under this Act for ensuring greater regularity of employment for dock workers and for securing that an adequate number of dock workers is available for the efficient performance of their work" (Section 1, paragraph 1). The first of these purposes may be interpreted as meaning that before a scheme is made for a port or, as would happen in practice, the existing Scheme extended to a port it must be established that the employment of dock workers there is irregular or casual and that a Scheme can contribute to their "greater regularity of employment". It was not put

forward as an argument for including any of the eleven ports in the Scheme that this was necessary "for securing that an adequate number of dock workers is available for the efficient performance of their work" and indeed it was apparent in all cases before me that such an argument could not have been sustained. Obviously, it is necessary to ensure that the inclusion of a port in the Scheme would not have the effect of reducing the number of dock workers available below an adequate level for the efficient performance of their work.

6. It is convenient at this point in the Report to deal with the position of the nationalised bodies which, as it happens, employ some of the men engaged on dock work in the eleven ports. British Railways, Southern Region employ men, notably at Dover and at Newhaven (where the British Transport Commission is the port authority) and some few at Littlehampton, Shoreham and Portsmouth. The South Eastern Gas Board employ men at Shoreham, the Southern Gas Board at Portsmouth and the Central Electricity Generating Board at Norwich, Portsmouth and Shoreham.

7. The men employed by British Railways are members of the National Union of Railwaymen and their pay and conditions of service are regulated by agreements between the railways and the Union. Permanent employees enjoy a guaranteed day and week, participate in schemes for promotion, sick pay and pensions, and have the benefit of arrangements designed to safeguard their position as much as possible in the event of redundancy. I am informed that temporary employees, who are engaged for continuous periods, enjoy the same pay and service conditions as permanent staff, presumably to the extent that these are not inevitably limited by the fact that their engagements are for comparatively short periods. British Railways, Southern Region are opposed to the inclusion of railway staff, in so far as they are engaged in dock work, in the Scheme and in this they are supported by the National Union of Railwaymen, who also say that while they do not wish to impede any proposal designed to improve the conditions of casual dock workers, such proposals should not affect adversely the interests of railway employees. The attitude of the railways, both employers and workers, is respected by the Transport and General Workers Union who said that they did not ask for the Scheme to be extended to railway employees. The fields of activity of the two Unions in the docks were defined in an agreement as long ago as 1920. This agreement is reflected in the position of railway employees in ports at present within the Scheme, e.g. Hull and Southampton, where railway employees are excluded by the terms of the Scheme itself from the operation of the Scheme in those ports. Their exclusion is specifically mentioned in the local definitions of dock work for those ports.

8. In the course of the Inquiry discussions took place privately between representatives of the Gas Council, the South Eastern Gas Board, the Southern Gas Board, the Central Electricity Generating Board, the Transport and General Workers Union and the National Union of General and Municipal Workers. These discussions resulted in an agreement which was presented to me in the following terms:—

"Having regard to

- (1) The fact that the permanent employees of Public Gas and Electricity undertakers were not included in any war time Dock Labour Schemes

and are, therefore, not included in the existing Scheme, by reason of the provision of Clause 1(3) of that Scheme.

- (2) The fact that both Sir John Forster and Lord Cameron accepted the position that it was or would be inappropriate to include such employees in a Dock Labour Scheme under the Dock Workers (Regulation of Employment) Act, 1946.
- (3) The fact that the Public Gas and Electricity undertakings are now carried on under the Gas Act, 1948, and the Electricity Acts, 1947 and 1957, under which Acts the Employers have statutory duties with regard to the conditions of employment and welfare of their employees.

The Unions join with the Gas Council, Area Gas Boards and Central Electricity Generating Board in requesting that the Inquirer

Recommend that there be excluded from the operation of any Dock Labour Scheme which may be introduced at any port or ports the permanent employees of Statutory Gas and Electricity undertakers carrying out dock work on or in connection with cargoes used by such undertakers for the purposes of their own undertakings."

The public utilities made the further statement :

"The Gas Council, Area Boards and Central Electricity Generating Board do not propose, in view of this joint request, to develop their further reasons for asking for the recommendation, which are not necessarily accepted by the Unions, but reserve the right to do so if it should happen that any draft Scheme put forward at a later stage failed to make the exclusion requested."

I see no reason for not accepting this agreement, insofar as it relates to the ports which I have examined. I will refer to it again when I deal later in the Report, with the particular ports which are affected by it.

9. Other port employers besides nationalised bodies in the eleven ports which were brought to my attention provide regular employment for their workers, as will be apparent from the accounts given later of the situation in particular ports. I have examined carefully in each case the conditions of such employment to ascertain the extent of its "regularity". Such matters as the length of service of existing employees and the existence or absence of pension schemes provide helpful indications. Unlike the nationalised industries these private employers providing regular employment for their workers were not excluded by the Transport and General Workers Union from their claim that the eleven ports should be brought into the Scheme.

10. It being the unanimous wish of those concerned that the employees of the nationalised undertakings in the ports in question should not be brought within the Scheme, I should have been compelled, for this reason alone, to recommend against their inclusion. In fact, it also appears from the point of view of the law relating to dock labour that there are strong arguments against them being brought into the Scheme. From this point of view it is convenient to consider together all the port employers, private and nationalised, who offer their employees regular work. In a port where all the dock workers are provided with employment so regular in character that it cannot, by any reasonable standards, be provided with "greater regularity" no case appears to exist for bringing it within the Scheme.

It would not seem to matter if the employment is wholly on dock work or partly on dock work and partly on other work in the service of the same employer. Both of these types of employment are found in the eleven ports which have come under this Inquiry.

11. The more difficult case is where there is a mixture of casual and regular employment in a port. The casual workers might benefit from being brought into the Scheme but the regular employees do not need it. It cannot be argued that the inclusion of the regular employees in the Scheme is necessary, if the casual men are brought in, as a contribution to the greater regularity of employment of the casual men. There would seem to be no objection in principle to extending the Scheme to the casual workers alone but I think that two conditions ought to be fulfilled before this is contemplated. Firstly, there ought to be a quite clear dividing line between the casual and the regular employment. For example the conditions of service of permanent railway employees and of the employees of the public utilities mark them off readily from ordinary casual dock workers, and distinctions based on the topography of the port or the nature of the work performed might be equally clear in other cases. Secondly, neither the casual nor the regular employment ought to be an inconsiderable fraction of the whole. If either of them is, then there is much to be said for treating the port as a whole. If regular employment greatly predominates the casual fringe should be left out of the Scheme with the rest. If the reverse is true, the few regular employees should be brought into the Scheme along with the casual majority.

12. The Scheme of course makes provision for the employment on dock work of men who are regularly employed by a particular employer. They may be either registered men ("weekly workers") or men who are not registered ("listed" workers partly employed on dock work and partly on other work for the same employer). It is however an unimpressive argument that because men in regular employment can be accommodated within the Scheme there can be no objection in any circumstances to bringing them in. There are 16,000 weekly workers in the Scheme at present out of a total of 71,000 registered workers and they are therefore a small minority. Their presence in such numbers is not incompatible with the purposes or the working of the Scheme. It is to be hoped that they increase in number. If they should ever grow to be a very great majority of dock workers it is conceivable that the need for the Scheme or at least for the continued extension of the Scheme to regular employment might be questioned. It would be the same so far as a particular Scheme port was concerned if most of the men came to be engaged in regular employment. But if there is a case for releasing such a port from the Scheme which would involve disturbance of accepted arrangements, there is a stronger case for not bringing into the Scheme a port where most of the employment is regular which would avoid such disturbance.

13. Casual labour is employed in some ports or in parts of ports which handle at a time no more than one or two ships and that at irregular intervals. A single ship takes a certain minimum number of men to unload it and there is therefore an intermittent demand for this minimum number, neither much more nor much less. The men are fully employed for a few days, then idle for a time, fully employed again and so on. It is of the

essence of the Scheme that the number of men on the register of dock workers in a port should be strictly limited so that, compatible with the efficient performance of their work, there is always enough work to keep them more or less fully employed. This is a feasible arrangement in a port which handles a large number of ships because the men can move from ship to ship and there are always enough ships available to keep up a more or less steady flow of work. If a register were to be set up in a small port (or part of a port) handling one or two ships at irregular intervals the register would have to be large enough to comprise the minimum number necessary to unload those one or two ships. It could not be reduced below this number because sufficient men would not be available "for the efficient performance of their work" and a main purpose of the Act and the Scheme would be frustrated. In such a port the introduction of the Scheme would contribute nothing towards providing the casual men with "greater regularity of employment" because it would not give them any more work. It would have merely the secondary effect of entitling them to "attendance money" on their days of idleness. This may be thought to be a very limited advantage in the absence of more work as the men would of course be precluded from drawing unemployment insurance benefit and, as registered dock workers, would not be able to take other employment outside the docks. The cost to the Scheme, which is designed to finance only a small proportion of idle time, would be relatively heavy and the port would have to be subsidised by others. However the crucial point in such a case is that the introduction of the Scheme would not provide any "greater regularity of employment" and would not for this reason alone be useful or justified. This is the simple case. In practice a port might be grouped with other ports in the vicinity, as is commonly done with Scheme ports at present, and the labour force treated as a whole, men being transferred from one port to another as need arises. The feasibility of such an arrangement depends on the distances involved and the travelling facilities. I have considered it as a possibility, in so far as it was relevant, in connection with each of the ports under review.

14. A distinction can be drawn between casual men who regularly seek work at the docks and men who do not claim to be dock workers and who are recruited from the local Employment Exchange from time to time for a particular job at the docks. The latter are men who follow other trades and happen to be unemployed when dock work becomes available and who may work at the docks only a few times in their lives or, at any rate, very intermittently in conjunction with other jobs. They are brought in even in Scheme ports, and certainly in some ports outside the Scheme, to supplement the work of the real dock workers, both regular and casual, when there is a peak of work. They may even be relied upon exclusively for casual dock work if such work is insufficient in quantity and not sufficiently regular to justify a pool of casual dock workers. It would be inappropriate to take the employment of these men into account when deciding whether or not to include a port in the Scheme.

15. It is to be noted that, so far as the workers are concerned, the foregoing arguments, as is proper, centre on the question of whether or not they are in need of the benefits peculiar to the Scheme and, in particular, more regular work. The ordinary dock workers in the eleven ports under

review are members of the Transport and General Workers Union and the Union did not suggest that their other conditions of service, e.g. rates of pay, were lacking in any way. These other conditions of service are, of course, matters for direct negotiation between the Union and the employers concerned.

16. A number of more general considerations arise. Thus it was argued before me that the Scheme exists and it ought self-evidently to be extended to all ports in the country or at least to all those of any consequence. Otherwise the dock workers in ports outside the Scheme are worse off in their conditions of service than dock workers in Scheme ports. Moreover, as non-Scheme ports do not have to pay the levy by which the Scheme is financed they have an unfair advantage in competition with Scheme ports, and prosper at their expense. I think the main weakness in this line of thought is the presumption that dock workers outside the Scheme must be worse off than those in it. As has already been said, this has to be demonstrated before the usefulness of introducing the Scheme, so far as the workers are concerned, can even be considered. In many of the ports which I have particularly looked at, as will become evident when the individual cases are dealt with later on, regular employment is provided by all or by a majority of employers. This may cost them as much as paying the levy under the Scheme, if under the Scheme they switched for their marginal needs to the use of casual labour. I find it difficult therefore to accept the argument that such employers have prospered, to the extent that they may have done, because they have not had to pay the levy. On the other hand, if it were established that a port outside the Scheme subsisted on casual labour, there would obviously be a case for bringing it into the Scheme in order to provide more regular employment for the workers. In such a case there might be some justice in the charge that the dock employers concerned had had an unfair advantage over their competitors in Scheme ports by engaging their labour on inferior terms.

17. The levy under the Scheme is the same throughout the country so that the expense of operating the Scheme in some ports is in practice subsidised by other ports. Thus the principle is that the cost of the Scheme should be borne by the dock industry, or at least that part of it within the Scheme, as a whole. This argument can be extended to support the inclusion of all ports within the Scheme even those where regular employment is general. Such extended argument would be straining the intention of the Act. It may be right that ports at present within the Scheme, which all operate a pool of casual labour, should share the expense of the Scheme, as they do. It is much more doubtful if a port which affords its own workers regular conditions of employment should be required to help provide "greater regularity of employment" for workers in other ports. It is moreover doubtful if, in practice, the inclusion of such ports in the Scheme would contribute much, if anything, to the national finances. The levy on the employers of regular labour is at present only 4½ per cent. Some of this is returned to the employer in various ways and more is doubtless eaten up in administrative expenses.

18. From the point of view of the dock industry as a whole there is virtue in stability so far as the scope of the Scheme is concerned. Thus a very strong case ought to be made out before an additional port is included in the Scheme, or before a port already in the Scheme is released from its

scope. Put in another way, the criteria for entry into the Scheme ought to be stiffer than for continued membership. Particular ports get used to a way of working, whether inside or outside the Scheme, and while change cannot be entirely precluded, there ought to be sound reasons for it. If everyone is satisfied with existing arrangements it would be doctrinaire to change them, even if change were justified by the letter of the law. In fact there have been no changes in the list of ports (Appendix I to the Scheme) since the Scheme was introduced in 1947 and, almost entirely, the ports included then were those in which wartime schemes were operated. The important ports also had voluntary systems of registration before the war. The Scheme was the natural outcome of the unsatisfactory conditions of dock work before the war. There was then general and heavy unemployment, and many more men sought work on the docks than there were jobs for. The way to the introduction of the Scheme was moreover paved by the wartime Schemes. In particular the number of men looking to dock work for a living at the end of the war was of a manageable size. The ports at present in the Scheme have therefore a long history of arrangements to regulate the employment of their labour forces. Many of the ports outside which were brought to my attention have expanded their business in handling cargoes since the war, and they have done so in conditions very different from those prevailing before the war. There has been in the last 15 years a generally high level of employment and the conditions of labour throughout the economy have been improved compared with the twenties and thirties. In many ports outside the Scheme regular and not casual employment is the rule. Moreover earnings in them are often high, and even in those employing casual labour earnings generally provide at least a living wage and are often above the national average. There is evidence that in many of these ports the men, even those casually employed, are not seriously dissatisfied and in all cases their relations with their employers are good. In short, times have changed in the docks as elsewhere and, while it may be conceded readily that the Scheme has played a major part in effecting this change, it remains true that its application now to ports at present outside its scope, even where a case for inclusion might be made out on legal grounds, does not seem so necessary as it would have done before the war.

19. These are general reasons which have influenced me in coming to my conclusions along with the other considerations already mentioned. There are two more points of a general nature. I am reluctant to recommend bringing a port within the Scheme, whatever other reasons there may be for so doing, unless it is of a reasonable size. Some of the ports I have inquired into are tiny. Littlehampton and Amble have less than ten dock workers, and others are not much bigger. It would not be common sense to extend the elaborate machinery of the Scheme to such small places whatever the circumstances. On the other hand, and this is the second point, I am not impressed by the argument that employers would find it more difficult under the Scheme to obtain the labour they need at the times they need it. The National Dock Labour Board has considerable experience in this field and, I am sure, would easily meet all reasonable requirements.

20. I turn now to the individual ports which the Transport and General Workers Union claimed should be brought within the Scheme. It will set

the scale to record some figures for the whole country, which the National Association of Port Employers submitted. The total of imports and exports handled by United Kingdom ports in 1958, excluding oil and coastal traffic, was 86,910,000 tons. The total number of registered dock workers at the end of 1959 was 71,000 of whom 16,000 were weekly workers. In addition there were over 2,000 "listed" workers.

Amble

21. Amble is a small coastal town in Northumberland. The harbour is known as Warkworth Harbour and is administered by the Warkworth Harbour Commission. The Commission, though given the opportunity of doing so, did not submit any evidence. The only trade of the port now is in exporting coal. In 1959 an average of five small vessels loaded each week, taking between 2 and 4 hours each to do so. The coal is emptied into the ships by chutes and distributed evenly in the hold by men known as trimmers. There are 9 trimmers in the port not necessarily all employed at the same time. Each of them however obtains 2 to 3 days work every week, earning on average £10 a week. For the rest of the time they are mostly unemployed and draw unemployment insurance benefit. Alternative employment in the district is difficult to find. The men are paid by the ship-owners for whom the Shipping Federation act as agent. When trimmers are required the Federation get in touch with a foreman trimmer who arranges for the required number of men to be available. There is a holiday fund for the men administered by the Federation. During the last four years the number of trimmers has dropped from 12 to 9, and in the last three years coal shipments have fallen from 243,500 tons in 1957 to 159,049 tons in 1959. The Shipping Federation oppose the inclusion of the port within the Scheme.

22. For the reasons I have indicated in paragraph 13 of this Report the setting up of a register in Amble would not of itself contribute to more regular employment. The number of men registered could hardly be reduced much, if at all, below nine, as this number is needed for the work of the port. Amble could certainly not stand on its own feet if included in the Scheme, but could be grouped with Blyth the nearest port at present in the Scheme. Blyth however is about 20 miles away by road, a not inconsiderable distance in a country district. Moreover it is a coal port and, like Amble, is suffering from a decline in trade and has a surplus of trimmers on its register. No solution is to be looked for in that direction. It appears therefore that no possible benefit can accrue to the trimmers at Amble from including the port in the Scheme. I doubt if I should have felt justified in any case in recommending an extension of the Scheme to such a small place and one moreover where trade is more likely to diminish in future than to increase.

Dover

23. Dover is of course principally a passenger port for the Continent. As a matter of interest nearly $2\frac{1}{2}$ million passengers and nearly 300,000 accompanied motor cars passed through the port in 1959. 779,317 tons of cargo and 10,844 unaccompanied cars were also handled in the same year. The port authority is the Dover Harbour Board which along with the port employers oppose the inclusion of Dover in the Scheme.

24. Thirty-four per cent of the total tonnage of cargo and all the unaccompanied cars were carried by cross channel services (mostly train ferries) and handled at the port by employees of British Railways. The total number of permanent employees engaged in handling operations is 222 though some of these may be more concerned with passengers than with cargo. Some temporary staff are engaged during the summer months to help with the increased passenger traffic at that time. Railway staff are employed throughout the 24 hours. I have indicated in paragraph 7 of the Report why I consider that railway employees should not be brought within the scope of the Scheme.

25. Sixteen per cent of the total cargo handled at the port in 1959 was oil. Dock labour is not involved in the handling of this commodity.

26. Bulk cargoes—coal, stone and ballast—accounted for another 45 per cent of total cargo last year. These cargoes are handled by the regular employees of four companies, Southern Wharves Limited, Hoare Gothard and Bond (Dover) Limited, Tarmac (Southern) Limited, and Foreland Aggregate Limited. A total of 34 employees of these companies are normally engaged on dock work but they also carry out other work for their employers. Additionally Tarmac Limited borrow 5 trimmers from another company in the barbour to augment their own labour. Tarmac Limited do not pay the wages of these men who may therefore be considered entirely as employees of their main employer. Many of the regular employees of the four companies have been with their employers for a number of years. Southern Wharves Limited who employ 21 out of the 34 have a pension scheme and arrangements for pay during sickness. Hoare Gothard and Bond Limited who employ 8 have a profit sharing scheme. All four companies are exclusively engaged in *importing* cargoes. A fifth company, Dover Industries Limited, export scrap metal (counted as a general not a bulk cargo) and use about four of their own regular employees in loading operations. These men are engaged on other work for their employer when not employed on dock work. The five firms between them employ from time to time upwards of 40 men on dock work. It is clear that these men are well established regular employees, and I am satisfied that no advantage would accrue to them from incorporation in the Scheme.

27. There remains just over 5 per cent of the total cargoes handled at Dover in 1959. This is general cargo the bulk of which, excluding the scrap metal exported by Dover Industries, is handled by two firms, Southern Wharves Limited and George Hammond and Company, who employ casual labour for the purpose. The volume of this trade has declined in the last four years. In 1959, including the scrap metal, it amounted to 43,076 tons; in 1957 the figure was 44,147 tons and in 1955, 73,040 tons. The trade is fluctuating in character throughout the year and the cargo is carried in small ships not more than two of which can be accommodated at one time in Granville Dock where the two companies operate. In 1959 casual labour was employed on a total of 139 days which works out at an average of 11½ days each month. The number of men employed on each of these days may be summarised as follows:—

Between	0- 9	were employed on	23	days
"	10- 19	" "	26	"
"	20- 29	" "	19	"

Between	30- 39	were employed on	21 days
"	40- 49	" "	12 "
"	50- 59	" "	5 "
"	60- 69	" "	6 "
"	70- 79	" "	6 "
"	80- 89	" "	3 "
"	90- 99	" "	— "
"	100-109	" "	— "
"	110-119	" "	2 "
"	120-129	" "	1 day
"	130-139	" "	2 days
"	140-149	" "	8 "
"	150-159	" "	4 "
"	160-169	" "	1 day

139

28. Taken as a whole, Dover is a port of fair size. On the other hand the bulk of the work done in the port, namely, all the passenger traffic and 95 per cent of the cargo handling, is carried out by men in regular employment. In terms of the labour employed, and that is the better test, the disparity between the regular and casual sectors of employment is not quite so marked but even judged by that standard the demand for casual labour is relatively small. As the figures in the preceding paragraph show, no casual labour at all was required on 226 days in 1959, and when required the average number needed was about 30 men. The demand is neither enough nor sufficiently sustained to warrant a body of men regularly seeking and obtaining work at the docks on a casual basis. In fact the normal practice is to obtain men as required from among the unemployed registered at the local Employment Exchange. Only about 12 men depend exclusively on casual work at the docks for a livelihood and of necessity they are unemployed for half the year and draw unemployment insurance benefit. Moreover, the demand for casual labour, such as it is, has some very high peaks. It would be impossible to set up a register which would avoid having insufficient men available on many days and having a large number of men idle on the majority of days in the year. It is doubtful if greater regularity of employment could be procured even for a few men. The possibilities of grouping with other ports are negligible. No Scheme port is within daily travelling distance and only Ramsgate (which is outside the Scheme but where 20 casual men are employed on dock work from time to time, as will appear later in the Report) could reasonably be combined with Dover to make a common pool of labour. I do not consider that the inclusion of Dover in the Scheme would be justified.

Felixstowe

29. The port of Felixstowe is on the north bank of the Orwell-Stour estuary opposite the port of Harwich. The port authority is the Felixstowe Dock and Railway Company which is also the employer of dock labour. The Company opposed extension of the Scheme to Felixstowe. No casual labour is employed in the port which in 1959 handled over 200,000 tons of

a considerable variety of cargoes. The annual tonnage has been increasing in recent years. The Company employs about 90 men on dock work and their average earnings in the first 45 weeks of the 1959/60 tax year were £17 13s. 0d. a week. Their average earnings in 1958 were £14 15s. 11d. a week. The Company has a superannuation scheme which it is at present studying with a view to improvement.

30. The security of the men employed on dock work in this port is as much as that of the average industrial worker employed on weekly terms. They could hardly be given any greater regularity of employment under the Scheme. For the reasons explained in the opening paragraphs of the Report I have without any hesitation come to the conclusion that Felixstowe is not a port which ought to be brought into the Scheme.

Littlehampton

31. The port authority is the Littlehampton Harbour Board and the tiny harbour handled in 1959, 30,836 tons of cargo mostly imports of granite chippings and of timber. This annual tonnage has not varied much in the last five years. Six small vessels at a time can be berthed and an average of 65 a year was handled in the last five years. The ships arrive at irregular intervals. The port employers are British Railways, who employ their own regular staff on dock work, Penfold's of Barnham, who also use their own regular employees, and five other companies who make use of the services of a firm of stevedores, A. Woodhams and Company. Woodhams employ a foreman who has constant work either from them or from the Harbour Board and the Company are able to call at any time on the services of four other men with whom they are in direct contact. Additionally they employ from time to time two men obtained from the Employment Exchange. There are also two crane drivers, regular employees of the Harbour Board. There is therefore a casual labour force of 4 to 6 employed on dock work besides the few men in regular employment. In 1959 casual labour was employed on an average of 11 days in each month. The average earnings of these men from dock work, spread over the year, amounted to £10 a week per man. I was informed that the four men whom Woodhams have on call are engaged in alternative employment when not wanted for dock work. The inclusion of the port in the Scheme was opposed by both the port employers and the Harbour Board. I do not consider that there would be any profit to anyone in extending the Scheme to this tiny port.

Mostyn

32. This port is situated in North Wales on the west side of the estuary of the River Dee. It is owned and entirely run by the Darwen and Mostyn Iron Company who opposed its inclusion in the Scheme. In 1957 the port handled 74,360 tons of cargo, in 1958, 59,265 tons and in 1959, 69,351 tons. The dock labour force consists of 12 men. The port is idle for half the year due to tidal difficulties and during this time under an arrangement of many years standing the men are offered and accept work in the adjoining works of the Company. In round figures average weekly earnings over the whole year are £10 from dock work and £5 10s. 0d. from employment in the works, making £15 10s. 0d. in all. As required the normal labour force of 12 men is augmented by labourers from the works.

33. As the employment in this small port is already regular no benefit from this point of view could accrue from including Mostyn in the Scheme and I therefore consider that no change should be made in existing arrangements.

Newhaven

34. Newhaven Harbour is owned by the British Transport Commission and is run and manned by the Southern Region of British Railways. The main business of the port is in connection with the cross channel services to Dieppe, which are operated jointly by British Railways and the French State Railways. Passenger services are at present run in the summer months only and in the Summer of 1959, 368,997 passengers and a number of accompanied cars passed through the port. The railways also operate, all the year round, a regular cargo service between Newhaven and Dieppe. Last year this service conveyed 46,356 tons of cargo. All the foregoing work is carried out at the East Quay of the Harbour and it is, generally speaking, performed by permanent railway employees of whom the normal complement is 173. This number is increased in the Summer by 10 to 20 temporary staff who are engaged for continuous periods to assist with the Summer passenger traffic and to provide cover for staff holidays. The railway staff who are members of the National Union of Railwaymen are not casuals, and, as explained in paragraph 7 of the Report, the Transport and General Workers Union have not asked for their inclusion in the Scheme.

35. Newhaven Harbour is also used for the loading and discharge of cargo vessels other than those jointly operated by the British and French railways. These vessels generally use the North Quay of the Harbour. One ship carrying coal is regularly discharged every week. Other cargoes arrive and depart at irregular and infrequent intervals. In 1959, 150,680 tons of cargo were handled at North Quay of which 101,458 tons were coal. 11,437 tons were exports of scrap metal, a trade which has in the present year virtually disappeared. To handle the cargoes at North Quay a few railway staff are employed but the main labour force is a pool or register of 27 casual workers. These men are members of the Transport and General Workers Union. Twenty-five of them are needed for the discharge of the coal ship and this provides them with 1½ days work a week. Five men are also required each weekday morning for loading goods from transit shed to railway truck after clearance by the Customs. In many weeks of the year the men in the pool get no other dock work, but in other weeks they obtain additional employment from loading or unloading cargoes other than coal, which, as has been said, arrive irregularly. On some days more men than the 27 regularly available are required and these are recruited from the Employment Exchange. As many as 88 men in all were required on one day in 1959. Finally, there is often a requirement for a number of casual men to work in the evenings to assist railway staff in discharging and reloading the railways-operated cargo vessel at East Quay. The requirement arises when the volume of cargo to be handled is greater than can conveniently be dealt with by the railway staff regularly employed on the work. This employment is not normally taken by men from the pool of 27, though there are a few exceptions.

36. The numbers of casual men employed during 1959 may be summarised as follows:—

Between	0-9	were employed on 29 days
" 10-19	" "	" 79 "
" 20-29	" "	" 52 "
" 30-39	" "	" 89 "
" 40-49	" "	" 32 "
" 50-59	" "	" 15 "
" 60-69	" "	" 11 "
" 70-79	" "	" 1 day
" 80-89	" "	" 1 "
		309

As 44 of the 56 days on which no labour was employed were Sundays, some demand for labour exists throughout the year. (It will be remembered that Dover, for example, was much worse in this respect, employment there being limited to 139 days in 1959.) The demand for labour varies to some extent, which is inevitable in view of the small amount of traffic handled at the North Quay. The figures illustrate why the number of men in the pool of casual workers has been fixed at 27, as this number is round about the average number employed. If a register were set up under the Scheme (and this is opposed by British Railways) it would presumably have to include these 27 men as the port could not function with a fewer number on immediate call. It is difficult to see how in that case they would get any more work. At present their average earnings per week are mostly in the £10-£12 range and they qualify for holidays with pay, the number of days varying according to the number of half-day shifts worked during the year. I understand that the men in the pool seldom undertake other work outside the docks. No Scheme port is near enough for Newhaven to be grouped with it. Newhaven might be grouped with Shoreham, but, as will appear later in the Report, I do not consider that Shoreham should be brought into the Scheme. I am satisfied that no advantage would accrue from bringing Newhaven into the Scheme.

Norwich

37. Norwich is situated on a tributary of the River Yare and can be reached only by very small ships. The port authority is the City of Norwich who did not submit evidence. The port employers opposed inclusion in the Scheme. In 1959, 121,827 tons of cargo were handled over the riverside quays of the town by nine firms. Seven of them used their own regular employees for the work, the men being partly engaged on dock work and partly on other work for their employers. There are 30 in all of these regular employees and they get two weeks holiday with pay as well as other benefits from their employers, e.g. four of the firms have pension schemes. One of the seven firms also used 3 additional men, obtained from the Employment Exchange, on each of the 22 ships it handled in the year. The two remaining firms out of the total of nine employed a master stevedore from Great Yarmouth to work the 7,625 tons of cargo which they received

last year. The master stevedore employs for this work both registered dock workers from Great Yarmouth (released by the local dock labour board for employment outside the Scheme) and unemployed men recruited from the Norwich Employment Exchange. In 1957 registered dock workers were released from the Scheme for a few days at a time on six occasions, but since that date it has not been possible to make registered men available. The master stevedore concerned has therefore had to depend recently on non-registered men recruited in part at least from the Norwich Employment Exchange. I understand that the Exchange is not asked for more than six men at a time and that any strong unemployed men are suitable.

38. Only a fraction of the dock work in Norwich therefore is casual in its nature. Moreover, there does not appear to be any casual dock labour force in the ordinary sense. If the port were to be included in the Scheme it could be grouped with Great Yarmouth and Lowestoft. I do not consider however that the regular employees of the Norwich firms need the Scheme, and the element of casual work is so small that it could not be held to justify for its sake alone the inclusion of Norwich in the Scheme. There is in the port an undertaking of the Central Electricity Generating Board, which comes within the terms of the agreement I have described in paragraph 8.

Portsmouth

39. This port, of course, is chiefly noted for its naval dockyard. There are also gas and electricity undertakings which handle coal with their own regular labour and which are covered by the agreement referred to in paragraph 8 above. British Railways have a passenger ferry berth and a car ferry berth manned by railway staff. A firm called Southern Wharves Limited own four small wharves (Mill Wharf, Twyford Wharf, one at Fareham and one at Gosport) where cargoes are handled by a few men who are regular employees of the Company. The bulk of the true commercial work of the port however is concentrated at two sets of quays and wharves known as Flathouse and Camber. All the port employers opposed extension of the Scheme to Portsmouth and the port authority, which is the City of Portsmouth, while expressing no opinion on the main question, furnished me with useful information about the port.

40. 61,357 tons of cargo, nearly half of which was timber, were handled in 1959 at Flathouse by one firm, H. W. Richards and Sons. Three or four small ships at a time can be accommodated at Flathouse. In the Camber, which is an arm of the sea, 5 or possibly 6 small ships can conveniently be worked. 224,741 tons of cargo were handled there in 1959 by three firms, H. W. Richards and Sons, Channel Stevedores Limited and Southern Wharves Limited. This traffic is made up, notably, of regular trades in coal and in general cargo and seasonal trades in cauliflowers, potatoes and tomatoes.

41. The labour at Flathouse and Camber is mainly casual. H. W. Richards and Sons employ 4 men on weekly terms and 22 men, who regularly seek employment with them, on a casual basis. Channel Stevedores Limited have 3 men on weekly terms and 30 casuals while Southern Wharves Limited have 18 weeklies (employed for most of their time on other than dock work) and 16 casuals. There are thus 68 casual workers who regularly follow the docks for a living. Their labour is supplemented as need be

by men obtained from among the unemployed at the local Employment Exchange. The pattern of casual employment in 1959 was as follows:—

Between 0- 9 men were employed on 39 days
" 10- 19 "
" 20- 29 "
" 30- 39 "
" 40- 49 "
" 50- 59 "
" 60- 69 "
" 70- 79 "
" 80- 89 "
" 90- 99 "
" 100-109 "
" 110-119 "
" 120-129 "
" 130-139 "
" 140-149 "
365

On some of the 39 days when between 0-9 men were employed, it is possible that none at all were needed, though employment on Sundays is common in this port. The figures show that there is some demand for labour throughout the year though it varies a good deal in size. This is to be expected in a small port with considerable seasonal trade. The demand however is sufficient as I have already noted to support a body of 68 casual workers who look to dock work for their livelihood. Many of them averaged £15 a week in earnings during 1959 and none of them dropped below an average of £10. I understand that when they are not employed at the docks they are reluctant to accept other work and claim unemployment insurance benefit. Considering the port in isolation, if a register were to be set up under the Scheme it would have to include these 68 men or at any rate not many less as the average demand for labour is in the fifties. These men would not therefore get any more regular employment. On the other hand Portsmouth could be grouped under the Scheme with the port of Southampton which is 21 miles away by road and has a register of 1,900. Men could be transferred between the two ports as need be and the register in Portsmouth fixed at an appropriate size.

42. I have thought about the case of Portsmouth very carefully. As I have indicated in the opening paragraphs of the Report, I am not in favour of disturbing existing arrangements which work reasonably well unless there are clear reasons for doing so. In the case of Portsmouth I believe such reasons exist. The commercial port depends largely on casual labour, and greater regularity of employment could be procured for these men if the port were brought into the Scheme and grouped with Southampton. This is the kind of case which the Scheme exists to deal with and there are ports like Portsmouth already in the Scheme. The case for the inclusion of Portsmouth is certainly the strongest which I have had to consider, and I have come to the conclusion that Portsmouth could usefully and properly be brought into the Scheme.

43. If my conclusion is accepted and Portsmouth is included in the Scheme it will be necessary to define in the Scheme the classes or descriptions of dock workers in the port to which the Scheme should apply. I am under an obligation, in accordance with section (2) of my terms of reference, to report on this matter. The naval dockyard, being Crown property, does not, I understand, come within the scope of the Act. For the reasons I have given in paragraphs 7 and 8 of the Report the Scheme ought not to be extended to the regular employees of British Railways and of the gas and electricity undertakings in the port. On the other hand, I consider the Scheme should cover those dock workers who are employed on a regular or a casual basis by H. W. Richards and Sons, Channel Stevedores Limited and Southern Wharves Limited on dock work as that term may be at present understood in the port or, failing that, as defined in the Act, at the two sets of quays and wharves known as Flathouse and Camber, at Mill Wharf, at Twyford Wharf, at Gosport and at Fareham. I do not think proposals in greater detail can be made at this stage. If it is decided to accept my conclusions and to bring Portsmouth into the Scheme a precise form of words might be worked out in consultation with representatives of the port employers and the dock workers of the port and the National Dock Labour Board.

Ramsgate

44. The small harbour at Ramsgate is owned by the Ramsgate Corporation and is operated at a loss. The Corporation are naturally anxious to eliminate or reduce this loss and have therefore made efforts to encourage more trade in the port. In 1959, 84 ships carrying cargo used the harbour. Sixty-five carried motor cars, 11 timber, 6 wine and 2 bricks. The ships carrying motor cars can be unloaded in 2 hours and they come and leave the harbour on the same high tide. Twenty men are required to unload these ships and they averaged 11½ hours a week on dock work in 1959. The import of motor cars is expected to increase in 1960, and this would give the men an average of 14 hours a week in the current year.

45. The Corporation do not employ the dock workers and their employers did not appear before me or submit written evidence though invited to do so. The Corporation are nevertheless opposed to Ramsgate being included in the Scheme. They fear that trade might be discouraged from using the harbour by increased labour costs. The ships carrying motor cars arrive irregularly at any time of the day or night. If Ramsgate were grouped with Dover under the Scheme (and this would seem an obvious arrangement if Dover were to be included in the Scheme as Dover is only 20 miles away by road) the Corporation fear that labour might not be made available quickly enough to turn the motor car ships round on the tide and they regard this as an essential feature of the trade.

46. I am satisfied that if Ramsgate were to be included in the Scheme, the National Dock Labour Board would be able to meet the requirements for dock labour at least as well as they are met at present. This is not a difficulty. If Dover were to be included in the Scheme I consider it would be reasonable to include Ramsgate with Dover. There is a small problem of casual labour in the port and the men can hardly get much employment in addition to the dock work, as the area is one of high unemployment.

On the other hand if Dover were not to be included in the Scheme, and that is the recommendation I have already made, I do not think that Ramsgate should be included by itself. In the first place the port is too small and in the second, as the whole labour force is needed from time to time, all the men in it would have to be registered and the Scheme would add nothing to their regularity of employment.

Shoreham

47. Shoreham is a flourishing port where 1,805,080 tons of cargo were handled in 1959. The policy of the port authority, the Shoreham Harbour Trustees, is to encourage the use of the port by traffic which comes regularly throughout the year. To this end the Trustees are embarking on a programme for the provision of improved transit shed facilities involving a capital expenditure of approximately £95,000. Together with the port employers they oppose the extension of the Scheme to Shoreham.

48. Fifty-five per cent of the cargo handled in 1959 was coal, discharged by permanent employees of the Central Electricity Generating Board and the South Eastern Gas Board for use in the Boards' own undertakings. The position of these public utilities in relation to the Scheme is governed by the agreement I have described in paragraph 8. Thirty-eight per cent of total cargo last year was accounted for by bulk imports of coal, oil, sand, shingle, stone and slag, and by exports of scrap iron, all handled by the regular employees of the private firms concerned. In general these men do not spend all their time on dock work being engaged for a part of it on other work for their employers. There remains 7 per cent of the total 1959 tonnage, or 127,000 tons, made up of general or non-bulk cargoes i.e. timber (83,000 tons), bricks, fruit and vegetables, and other general cargo. There are a number of firms more or less concerned with the handling of these cargoes but only John Brown and Son (Shoreham) Limited make use of casual labour. Taking the labour as a whole, but excluding the public utilities, over 80 per cent of regular employees either wholly or occasionally engaged in dock work have been in the service of their employers for over 2 years.

49. The crux of the problem in Shoreham is the casual labour employed by John Brown and Son. This firm have been enabled recently, due to the increasing annual tonnage of non-bulk cargoes and to their more even distribution over the year, to engage on weekly engagements 27 men who were formerly employed on a casual basis. An agreement to regulate their conditions of employment on the new basis, including provision for pensions, has been concluded between the firm and the Transport and General Workers Union. John Brown and Son already had in employment about 15 weekly employees who spend part of their time on dock work. Taking John Brown's new agreement into account the port employers estimate that only about 10 per cent of the labour which will be required for handling general cargoes in 1960 need be casual. This will, of course, be employed by John Brown and Son.

50. The extent of the problem set by this casual labour is obviously small but apart from that it is not easy to define. The 10 per cent mentioned may be regarded as equivalent to 6 casual workers who according to John

Brown and Son are all they require now that 27 men have been engaged on a regular basis. The Transport and General Workers Union say that setting aside the 27 former casual workers there still remain 25 casual men who look for work at the docks. The two figures are not necessarily incompatible. It is not certain to what extent the 25 have alternative occupations but it seems likely that many of them have and are not dependent entirely or even mainly on dock work for a livelihood.

51. Whatever the precise number involved it is too small in my opinion to justify including Shoreham in the Scheme. It is not strictly necessary, therefore, to analyse the effect of so doing but as a matter of interest I have attempted such an analysis. The extension of the Scheme to the port or, at least, to the casual labour employed in the port (the regular employees do not need the Scheme) would obviously not increase the amount of work available. Even if Shoreham were to be grouped with Newhaven, which would be feasible if Newhaven were to be included in the Scheme (though I have recommended above that it should not), no more work would result for Shoreham men. As the paragraphs of the Report dealing with Newhaven indicate there is unlikely to be any surplus of work at that port if it is brought into the Scheme. On the other hand the extension of the Scheme to Shoreham, provided that the register set up comprised no more than about 6 daily workers (which would be in accordance with expected requirements), would presumably ensure greater regularity of employment for those 6 though at the expense of the remainder of the present 25 casual workers who would be excluded from dock work. Obviously an innovation of this kind would be unpopular with those left out and therefore difficult to make, but the real argument against making it is that six or thereabouts is far too low a figure to justify setting up a register under the Scheme. It is relevant that John Brown and Son say they are prepared in future to take as many men as possible into regular employment, having regard to the state of their trade.

52. In 1959 John Brown and Son also made use of the services, on a casual basis, of the regular employees of other employers in the Harbour, notably the Harbour Trustees, and in the Summer, of men on holiday from other work and students on vacation. There is clearly no need to make better provision for this kind of labour.

Watchet

53. The port authority of this tiny port in Somerset is the Watchet Urban District Council and the employer of dock labour is the Wansbrough Paper Company Limited. The Company are also the main industrial employers in the district, providing work for 480 at their paper mill in the town. Both the port authority and the employer are opposed to Watchet being brought within the Scheme. The only trade of the port is in importing wood pulp, esparto grass and coal, all for the group of paper mills owned by Read and Smith Limited of which the mill at Watchet is one. Imports of wood pulp and esparto grass in 1959 totalled 32,532 tons, and the annual tonnage has not altered much in the last 6 years. On average one vessel a fortnight arrives in the port carrying these cargoes and its discharge provides work for 3½ days for 24 men. Most of these men get no other dock work in the year. The coal comes 3 or 4 times a week in a small vessel carrying 130

tons, which takes 3½ hours to discharge. This work is done by 5 heavers who are also among those employed on discharging the cargoes of wood pulp and esparto grass. They get more work therefore than the other dock workers and their earnings from dock work average £8 10s. 0d. a week over the whole year compared with £6 5s. 0d. for the others. The cranes on the quay used for unloading are manned by permanent employees of the Wansbrough Paper Company. When not employed on dock work the casual men get a certain amount of other work locally, but for the rest of the year draw unemployment insurance benefit supplemented as necessary by national assistance. The men have several times been offered jobs at the paper mill to which they could turn when not employed on dock work, but they have always refused preferring their present way of life. One reason may be that some of them are over 60.

54. The nearest Scheme port to Watchet is Bristol, 52 miles away, so there is no reasonable possibility of grouping with another port. Considering Watchet in isolation, it is, of course, very small and it would not appear in any case that its inclusion in the Scheme would provide any greater regularity of employment for the men concerned. The whole of the present dock labour force is needed from time to time and there is thus no possibility of reducing it. I am therefore of the opinion that Watchet should not be brought within the Scheme and am fortified in this by the fact that the men have had the chance of regular employment and turned it down. I understand the offer, nevertheless, remains open.

Conclusions

55. No other port apart from the eleven I have dealt with was proposed for inclusion in or release from the Scheme. I understand that discussions are taking place between the Ministry, the National Dock Labour Board and the National Joint Council for the Port Transport Industry with a view to deleting from the list of ports a number of small places where, due to the disappearance of trade, the Scheme is no longer operated. This seems an obvious adjustment, but otherwise my conclusion is that the list of ports in Appendix I of the Scheme should be varied only by the addition of Portsmouth. The classes or descriptions of dock workers to whom I consider the Scheme should apply in Portsmouth are described in paragraph 43 of the Report.

II. TIMBER AND PITWOOD

56. In connection with section (3) of my terms of reference evidence was given and submissions made principally by the National Dock Labour Board, the Timber Trade Federation of the United Kingdom (who were represented by counsel) and the Transport and General Workers Union. Statements were also made by representatives of the National Association of Port Employers, Hollis Brothers Limited of London, the Leith Chamber of Commerce, the Littlehampton Harbour Board and John E. Butt and Sons of Littlehampton.

57. Paragraph 128 of the Report of the Devlin Committee reads as follows :—

" 128. Appendix II to the Scheme, as well as excluding the named cold storage undertakings to which we have referred, excluded also

certain processing work in connection with cargoes of pitwood or timber. The wording of this exclusion is not easy to construe and it has given rise to a difference of opinion between the National Board and a firm of timber merchants operating in the Port of London. The Board contends that, whatever the wording, the intention was to give effect to the practices existing when the Scheme came into force. It desires that an amendment, which it has not yet formulated, should be made to Appendix II so as to remove ambiguities and clarify the wording in accordance with what is claimed to have been its object. We assume that such an amendment would be opposed by the firm in question, if not by others, and we do not think that it is a matter on which we can conveniently adjudicate. An inquiry, perhaps detailed, into the practices said to be existing before 1947 would obviously be required . . ."

The purpose of section (3) of my terms of reference was to make the further inquiry recommended by the Devlin Committee. In places throughout the Report, I may have referred to timber only and not to timber and pitwood but anything said about timber may be assumed, in the absence of an indication to the contrary, to apply broadly to pitwood also. Where there are significant differences I have indicated them.

58. It will assist in understanding the problem if first of all I outline a typical sequence of the operations involved in handling timber in a dock area. Timber may be unloaded directly from a ship on to the quay or it may first be transferred from the ship into barges which convey it to the quay for unloading. From the quay it is conveyed to the timber yard which is usually nearby. There it is unloaded and piled according to size and type for the purposes of storage and seasoning. As required, it is drawn from the yard, loaded on to transport and conveyed away from the dock area for building, manufacture etc. Before delivery from the yard it may be processed or prepared, either in a sawmill adjoining the yard or in the yard itself with portable tools. Thus timber may be sawn, planed and/or grooved and pitwood may be cut, pointed, ripped and/or split. There are variations, of course, in the simple sequence I have described but it is sufficiently near the general truth to illustrate the disagreements which have arisen as to which operations are dock work and which are not.

59. Mr. John Cameron (as he then was) considered the question of work in pitwood and timber yards in his Inquiry of 1947, before the present Scheme was made, and reported as follows :—

" 19. A general objection to the inclusion of pitwood yard workers was maintained by the Timber Trades Federation of the United Kingdom supported by certain local sectional organisations in respect of particular ports. This general objection was not supported by the National Association of Port Employers. The issue was fully debated but in the end it appeared to me clear from the evidence and arguments addressed to me that pitwood and timber being ' cargo ', as such could not claim right to differential treatment in respect of its discharge. In regard to its storage, I think there may well be room for a difference in treatment, as indeed is recognised in certain of the existing agreements and definitions of ' port transport work ', and that operations immediately connected with processing work (including, but

without prejudice to the generality of the foregoing, sawing, planing, cutting, pointing, ripping, splitting, receiving and delivering) when performed by regular employees of saw-millers, pitwood and/or timber importers and in pitwood and timber yards, should be excluded from the definition of dock work throughout the definition or description of work relating to all ports within the Scheme. To that extent I recommend that the objection stated should be sustained and, beyond that, no alteration should be made to existing practice or definitions".

60. Mr. Cameron's recommendation was made the basis of the exclusion from the present Scheme of certain processing work in connection with cargoes of pitwood and timber. Before quoting the relevant parts of the Scheme it is worth recalling that the Scheme generally applies, according to Clause 1(3), to the same classes or descriptions of dock work and dock workers as, immediately before the coming into operation of the Scheme, were included in the wartime schemes of which there was one for each port. Each wartime scheme had its own definition of dock work so the present Scheme may apply to somewhat different operations in each port (though all definitions are subject to the proviso, derived from the Dock Workers (Regulation of Employment) Act, 1946, that "the Scheme shall not apply to any dock worker unless he is employed or registered for employment in or in the vicinity of any port on work in connection with the loading, unloading, movement or storage of cargoes, or work in connection with the preparation of ships or other vessels for the receipt or discharge of cargoes or for leaving port". (Clause 1(3) of the Scheme)). It is against this background that the general exclusion from the Scheme of certain work in connection with pitwood and timber cargoes is to be understood. Clause 2(2) of the Scheme says:

"Nothing in this Scheme shall apply to the operations or to the persons and their employers in the circumstances set out in Appendix II". and Appendix II says, inter alia :

"(a) Processing work in connection with cargoes of pitwood or timber including in the expression 'processing work' but without prejudice to the generality of that expression, sawing, planing, cutting, pointing, ripping, splitting, receiving and delivering when performed by persons in the regular employment of saw-millers or pitwood or timber importers or when performed by persons employed in pitwood or timber yards ;"

Thus the Scheme does not extend to the work defined in the Appendix because this work is specifically excluded, but it extends to any other work there may be in connection with handling cargoes of pitwood and timber by virtue of Clause 1(3), i.e. in accordance with the local definitions of the ports.

61. It will be observed that there are differences between the wording of Mr. John Cameron's recommendation and the wording finally adopted for Appendix II (a). They are :

- (1) Mr. Cameron said that "in regard to its storage" i.e. the storage of pitwood and timber, "operations immediately connected with processing work" should be excluded, yet the wording of the exclusion in the Scheme is "processing work in connection with cargoes of pitwood

or timber". In both cases the main operations concerned are then specified. I do not think it is necessary for me to comment now or later, on whatever significance there may be in the difference between these two forms of words as the difference was not made an issue between the parties appearing before me and it does not affect my conclusions.

- (2) Mr. John Cameron's words "when performed by regular employees of saw-millers, pitwood and/or timber importers and in pitwood and timber yards" were not exactly reproduced in the Appendix where the words are "when performed by persons in the regular employment of saw-millers or pitwood or timber importers or when performed by persons employed in pitwood or timber yards". The change of Mr. Cameron's penultimate "and" to "or" widens, of course, the scope of the exclusion. Again the difference was not an issue between the parties before me. I return, however, to the point when formulating my conclusions.

62. The real disagreement centres round the use in Appendix II (a) of the words "receiving" and "delivering". It appears that Mr. Cameron adopted them, and indeed his whole suggested wording, from the local definition of dock work for the port of Hull. However that may be, it is obvious that the words as used in Appendix II (a) may be interpreted as excluding generally from dock work and therefore from the scope of the Scheme the operations of receiving timber into and delivering timber from pitwood and timber yards. Indeed the meaning of the words may be pressed to include the handling of timber from the quay to the yard, thus excluding this work from the scope of dock work which would finish when the timber passed over the ship's rail. These interpretations are, in fact, at variance with the practice in many ports, based on the local definitions of dock work. I was supplied with factual information by both the National Dock Labour Board and the Timber Trade Federation, which illustrated this. Certainly the handling of timber from the quay to the yard is frequently regarded as dock work and therefore done by registered dock workers. They may be either daily workers i.e. casual men from the port's pool of dock labour, or weekly workers i.e. men in the regular employment of the timber importers owning the yards, but registered under the Scheme. In some ports, registered dock workers are employed on work in the timber yards, in exceptional cases up to the stage of delivering timber from the yard. The men in the yards in these ports are commonly the regular employees of the importers, registered under the Scheme as weekly workers. The foregoing applies to pitwood as well as timber.

63. There is therefore some divergence, whatever its precise extent may be, between the practice and the law as laid down in Appendix II (a), at least on one feasible interpretation of the words "receiving" and "delivering". This was quickly recognised when the Scheme was introduced in 1947, as the practice then did not differ fundamentally from what it is today. Discussions followed between the National Dock Labour Board, the National Joint Council for the Port Transport Industry and the Timber Trade Federation and it is recorded that:

".... whilst the Federation reserved their views on the interpretation of the Appendix they agreed that the legal implications of the question

should not be pursued at this time. Instead they were prepared to recognise the definition of the scope of dock work as it was understood and operated in the various ports prior to the 1947 Order and Scheme, on condition that their practical difficulties were so far as possible met by the establishment of seasonal registers to cover the Trade's labour requirements at peak periods".

In other words the Federation accepted the practice in regard to the use of dock labour for the handling of timber and pitwood as it then was (and still is broadly) in the various ports, and did not pursue the possibility of reducing the number of operations on which dock labour was employed, as they might have been justified in doing according to the law. This understanding has continued to the present day but it was shaken in 1953, when a firm of importers in London, Hollis Brothers, chose to depart from its terms, and has since never properly recovered.

64. Before the war Hollis Brothers manufactured floor-boards at their premises at Victoria Dock in the port of London. This continued until 1942 when at the request of the Board of Trade the firm started to take timber at their wharf for delivery to dispersal sites. Except that at the end of the war the imported timber was no longer dispersed but stored on the land adjacent to the wharf, this was the situation until 1953 when Government control of timber came to an end. The work up to the point of piling the timber away was done by dock labour and no processing was carried out. In 1953 the firm reverted to its pre-war business, having added a joinery works and moulding mill to its already existing sawing and planing mill. Apart from the fact that registered dock workers continued to discharge ships on to the firm's quay, the firm then commenced to use its own unregistered labour for all other handling of the timber including the discharge of barges which had been loaded elsewhere in the port. Two thirds of the timber received is processed in Hollis Brothers' own works and one third is distributed elsewhere. The firm have a timber yard adjoining the quay in which the timber is stored pending processing or distribution, apart from a portion which goes direct to the mill or for delivery. The switch to the use of unregistered labour in 1953 was made without the agreement of the National Dock Labour Board, who, indeed, considered taking legal action against the firm to compel them to revert to the use of dock labour. The Board were however advised that, having regard to the terms of Appendix II (a), it was doubtful whether such action would succeed. The Board therefore sought an amendment of the Scheme in order to effect what they claimed to have been the object of the Appendix, first before the Devlin Committee and finally at this Inquiry.

65. The Board attach importance to the case of Hollis Brothers because they fear it may be the precursor of others and lead to the virtual abandonment of the so-called "gentlemen's agreement" or understanding between the Board and the Federation in accordance with which, as I have explained, the Federation undertook not to press whatever rights they may have under Appendix II (a). On the other hand the Federation minimise the significance of Hollis Brothers and maintain that they have no desire to alter present practices. The Federation therefore consider that the present position is satisfactory and that the Scheme should remain as it is. In my view the action of Hollis Brothers and the events which have flowed from it make it

difficult any longer to regard as a satisfactory state of affairs the divergence which on a reasonable and, I believe, generally accepted view can be held to exist between the law as defined in Appendix II (a) and present practice in at least some ports. If this is so, the obvious solution would seem to be to bring the law and practice into line.

66. All concerned are agreed that there should be no alteration in the practice. (The case of Hollis Brothers is an exception.) If the inconsistency between law and practice is to be removed, it becomes, therefore, a question of deciding to what extent Appendix II (a) needs to be altered or, to be more precise, narrowed in its scope. The Board propose that the whole of Appendix II (a) should be deleted thus leaving the position in regard to the handling of pitwood and timber cargoes to be determined in the same way as for other cargoes, solely by reference to Clause 1 (3) of the Scheme i.e. in accordance with the local definitions of dock work existing when the Scheme was introduced in 1947. The Board contend that as any legal implications of Appendix II (a) have never been pursued by the Federation that is how the position is determined in practice. They maintain that Appendix II (a) is therefore redundant. Logically the Board may be correct but, as I have said, the Federation would prefer no amendment at all and the deletion of the whole of Appendix II (a) could hardly be further from their wishes. They maintain that the 1947 practices have been "mellowed" to their advantage with the passage of time and they do not want to go back to the precise 1947 position which the deletion of Appendix II (a) would imply. I doubt if this "mellowing" process has owed much to the existence of Appendix II (a) and it probably means no more than that the way in which the local definitions have been applied to particular cases has been changed from time to time in accordance with altering circumstances. Such flexibility in the application of the law is not necessarily limited to one particular kind of dock work; it needs no legal sanction and it is to be hoped that it will continue in future to be a feature of the administration of the Scheme. The Board themselves maintain they have no wish to alter present practices except of course, in regard to Hollis Brothers. Nevertheless the Federation's reluctance to give up Appendix II (a) remains, and it must be accepted as a factor in the situation. They would be giving up an advantage in the terms of the law and therefore a useful argument in doubtful cases. They drew my attention to a case at Immingham in 1958 when the Board succeeded in establishing their view, contrary to the Federation's wishes, that a certain operation in regard to the handling of timber ought to be counted as dock work. This may have had nothing to do with Appendix II (a) but it helps to explain the Federation's suspicions. Moreover, there is force in the argument that although none of those appearing before me may have had any intention of taking advantage of the Federation if Appendix II (a) were dropped, the change might be interpreted by others in the dock industry as an indication that more of the timber trade's activities were to be brought within the scope of the Scheme and furnish them with an excuse to press local claims to that end. All these arguments must be weighed against the desirability, which I have already indicated, of altering the Scheme so that it does not conflict with the practice and, in particular, weighed against the Board's proposal to drop Appendix II (a) entirely. I remain satisfied that the balance of advantage

is in favour of altering the Scheme but I think also that it would be desirable to do this in a way which, while achieving the end in view, would not be so drastic as the Board's suggestion and which would thus go some way at least to meeting the objections to a change.

67. I believe a sufficient amendment would be to delete the words "receiving" and "delivering" from Appendix II (a), which would then read "processing work . . . including in the expression . . . sawing, planing, cutting, pointing, tipping and splitting . . .". These latter operations were not brought into question. As I have already said, the disagreement centres round the words "receiving" and "delivering" and without them the Appendix would not conflict substantially with current practices, which is the main objective, and moreover be free from ambiguity. The Board's difficulty in regard to Hollis Brothers would, I believe, be removed. The Federation would lose a major part of the rights which they appear to enjoy at law but which they have not sought to enforce. They would however lose nothing in practice as, to the extent that "receiving" and "delivering" are carried out by unregistered labour, the practice is safeguarded by the local definitions concerned. Moreover, the Federation would retain the Appendix though much narrowed in scope. The amendment is very similar to one put forward by the Transport and General Workers Union. It may be of course that the remaining words say nothing which could not be determined from the local definitions but, even if this is so, they are at the least harmless and there are, as I have suggested, positive reasons for altering the Appendix as little as possible.

68. The Federation while preferring no amendment of the Scheme suggested that, if an amendment had to be made, Appendix II (a) should be altered to exclude all work between the ship's rail and the timber yard when carried out "at present" i.e. on 1st January, 1960, by the regular employees of timber importers and all operations in private timber yards. From what I have said in paragraph 62 it is obvious that this would conflict with present practices in regard to the use of registered labour and, for this reason alone, I cannot recommend the suggestion.

69. The Federation represent timber and pitwood importers and the discussion before me centred largely on operations in the private yards of importers. There are also yards owned by statutory bodies or by public wharfingers where timber is stored for persons other than the yards' owners. Registered dock labour is more widely employed in these yards than in the private yards and it is important therefore that Appendix II (a) should not apply to them. Mr. John Cameron's original recommendation recognised this, and he used the words "when performed by regular employees of saw-millers, pitwood and/or timber importers and in pitwood and timber yards". As I have pointed out in paragraph 61 his wording was altered in the present version of Appendix II (a) to read "when performed by persons in the regular employment of saw-millers or pitwood or timber importers or when performed by persons employed in pitwood or timber yards". The present wording has therefore the effect of extending the scope of the exclusions in the Appendix to all kinds of yards, public as well as private. I doubt if this was intended but, in any case, it is out of touch with what happens in practice and I think a return ought to be made to Mr. Cameron's original wording quoted above.

70. The view could be taken that it is unnecessary specifically to exclude processing work (as defined in Appendix II (a)) from the Scheme, as processing is automatically excluded, being obviously outside the definition of dock work in the 1946 Act. This is true up to a point, but it must be remembered that some at least of the operations named in the Appendix are on the borderline between processing proper and port transport work, in that they are simple operations carried out in timber yards where much of the remaining work certainly appears to be within the definition of dock work. From this point of view I consider the retention of the Appendix is justified.

71. During the course of the Inquiry I also heard representations on behalf of the Leith Chamber of Commerce and on behalf of the Littlehampton Harbour Board and a firm of timber importers at Littlehampton, John E. Butt and Sons. The Leith Chamber of Commerce wanted the definition of dock work for the port altered so as to make it possible, which it is not at present, for timber importers to uplift from the quay or in the shed their own merchandise, using their own labour for the purpose. This is a right the importers had before the war. The position in Leith is determined, as it is for every other port in the Scheme, by reference to the practice in 1947 (Clause 1 (3) of the Scheme) subject so far as timber is concerned to the exclusions in Appendix II (a). No reason, which might not equally well be advanced in other ports, appears to exist for altering the general rule in favour of Leith and I cannot therefore support their application that the port be treated exceptionally.

72. The Littlehampton Harbour Board and John E. Butt and Sons were concerned that if Littlehampton were to be included in the Scheme the definition of dock work there should be framed so as to exclude the handling of timber on Butt's wharf after it is deposited on the wharf from the ship. Littlehampton is not at present in the Scheme, but is one of those ports proposed for inclusion by the Transport and General Workers Union which I have dealt with in the first part of the Report. As I have recommended against its inclusion it has not been necessary for me, under section (2) of my terms of reference, to suggest a definition of dock work for the port. I do not need, therefore, to pass an opinion on the validity of the application made by the Littlehampton Harbour Board and John E. Butt and Sons.

Conclusions

73. It would be desirable to change the wording of Appendix II (a) so that it did not conflict with existing practice and this could most simply be done by deleting the words "splitting, receiving and delivering" and replacing them by the words "and splitting" and by deleting the words "or when performed by persons employed in pitwood or timber yards" and replacing them by the words "and in pitwood and timber yards". Appendix II (a) would then read :

"(a) Processing work in connection with cargoes of pitwood or timber including in the expression 'processing work' but without prejudice to the generality of that expression, sawing, planing, cutting, pointing, ripping and splitting when performed by persons in the regular employment of saw-millers or pitwood or timber importers and in pitwood and timber yards".

74. Finally I wish to pay tribute and acknowledge my debt to the Secretary. His preparatory work for the Inquiry was thorough and complete; his knowledge of the subjects and his competent services during the Inquiry and in the preparation of this Report were of the greatest help; all which has greatly lightened the burden resting on me.

H. LLOYD-WILLIAMS.

25th March, 1960.

C. A. LARSEN, *Secretary*.

APPENDIX

The following made submissions or gave evidence either orally or in writing in connection with the list of ports:—

British Railways, Southern and Eastern Divisions

*Central Electricity Generating Board

Chamber of Shipping of the United Kingdom

Communist Party

*Gas Council and Southern and South Eastern Gas Boards

National Amalgamated Stevedores and Dockers

National Association of Port Employers

National Dock Labour Board

National Union of General and Municipal Workers

National Union of Railwaymen

*Timber Trade Federation of the United Kingdom

Transport and General Workers Union

Watermen, Lightermen, Tugmen and Bargemen's Union

in regard to Amble:

National Coal Board Northern (N. & C.) Division

Shipping Federation Limited

in regard to Dover:

*Dover Harbour Board

*Dover Industries Limited

*Foreland Aggregates Limited

*George Hammond and Company

*P. Hawksfield and Son Limited

*Hoare Gothard and Bond (Dover) Limited

*Southern Wharves Limited

*Tarmac (Southern) Limited

in regard to Felixstowe:

Felixstowe Dock and Railway Company

R. H. Cole and Company Limited

James Fisher and Sons Limited

General Steam Navigation Company

John Good and Sons Limited

Guest Industrials Limited

Nevill Long and Company Limited

E. Marriage and Son Limited

United Shipping Company Limited

Joseph Weil and Son Limited

in regard to Littlehampton :

*Littlehampton Harbour Board

*J. E. Butt and Sons Limited

*Duncton Quarrying Company Limited

*Penfold's of Barnham

*Tarmac Vinculum Limited

*J. Vinnicombe and Son Limited

*West Sussex County Council

*A. Woodhams and Company

*Represented by Counsel

in regard to Mostyn:

*Darwen and Mostyn Iron Company

in regard to Norwich:

*Boulton and Paul Limited

*R. Coller and Sons Limited

*J. and J. Colman Limited

*Eastern Counties Farmers Limited

*Great Yarmouth Shipping Company Limited

*A. King and Sons

*F. Moy Limited

*Ransons Limited

*R. J. Read Limited

in regard to Portsmouth:

Portsmouth Corporation

*Channel Stevedores Limited

*H. W. Richards and Sons

*Southern Wharves Limited

in regard to Ramsgate:

Ramsgate Municipal Corporation

in regard to Shoreham:

*Shoreham Harbour Trustees

*Anglo-Overseas Transport Company Limited

*T. W. Barnes and Company Limited

*Bensley and Company

*Beves and Company Limited

*John Brown and Son (Shoreham) Limited

*M. Freeman and Company Limited

*J. H. and F. W. Green

*Hall and Company Limited

*Masonite Limited

*Nicholls and Company (Brighton) Limited

*R. H. Penney and Sons

*J. H. Pullen and Company

*Southern Wharves Limited

*Tarmac Limited

*White and Company

in regard to Watchet:

Watchet Urban District Council

*Wansbrough Paper Company Limited

*Represented by Counsel

© Crown Copyright 1960

Printed and published by
HER MAJESTY'S STATIONERY OFFICE

To be purchased from
York House, Kingsway, London W.C.2
423 Oxford Street, London W.1
13A Castle Street, Edinburgh 2
109 St. Mary Street, Cardiff
39 King Street, Manchester 2
Tower Lane, Bristol 1
2 Edmund Street, Birmingham 3
80 Chichester Street, Belfast 1
or through any bookseller

Printed in England

S.O. Code No. 36-251